IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24793 of 1998

DATED: 24.1.2007

Between:

M.Ravinder petitioner

And

The Chief Engineer/R&M

Ramagundam Thermal Station,

Ramagundam, Karimnagar dist & another Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

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WRIT PETITION NO. 24793 OF 1998

ORAL ORDER:

The present writ petition is filed questioning the proceedings of the first respondent dated 21.8.1998 rejecting the case of the petitioner for appointment as Lower Division Clerk in terms of B.P.Ms.No.36 dated 18.5.1997.

The petitioner claims that he is a graduate and worked as casual labour under the control of first respondent for 19 days commencing from 18.6.1981 to 7.7.1981 and is entitled to appointment to the post of Lower Division Clerk. He was interviewed on 25.4.1992. Since no further action was taken, he filed W.P. No. 6286 of 1997 and the

same was disposed of by order dated 15.7.1997 directing the respondents to consider the case of the petitioner in terms of B.P.Ms.No. 36 dated 18.5.1997 within eight weeks from the date of order. In pursuance of the said order, the petitioner was called for interview on 24.10.1997 and by proceedings dated 23.3.1998, the claim of the petitioner for appointment as Junior Plant Attendant was rejected. The petitioner made a representation dated 28.5.1998 requesting the first respondent to consider his case for appointment to the post of Lower Division Clerk. The petitioner was called for interview vide letter dated 4.6.1998 and thereafter his claim was rejected by impugned proceedings dated 21.8.1998. Hence, the present writ petition.

Learned counsel for petitioner submitted that petitioner is a graduate and fully eligible for consideration for the post of lower division clerk and rejection of his claim by impugned proceedings 21.8.1998 on the ground that the qualification possessed by him is not sufficient and the number of mandays put in by him are not sufficient as per guidelines is illegal and arbitrary. It is also submitted that a stereo type order was passed without assigning specific reasons for rejection of the claim of the petitioner.

Heard the learned counsel for petitioner and learned Standing Counsel for respondents and perused the material available on record.

The impugned order dated 21.8.998 does not indicate specific reasons for rejection of the claim of the petitioner viz., the qualification required for the post and the short of qualification possessed by petitioner, the number of mandays put in by the petitioner and the actual number of mandays required in terms of the notification etc. In fact, the impugned order is a stereo type order. The relevant portion of the same reads as under;

> On verification of the records produced by you, the following were noticed:
>
> i. The qualification possessed by you is not sufficient to consider your case for appointment as L.D.C.
>
> ii. The number of mandays available as per records against your name are not sufficient as per guidelines to consider your case for appointment.
>
> iii. Any other reason: Number of working days are not sufficient with reference to qualifications on the date of first engagement.
>
> In view of the reasons mentioned above your case for appointment as L.D.C is rejected."

A perusal of the impugned order does not indicates specific reasons for rejection of the claim of the petitioner. The petitioner claims that he is a graduate and eligible for appointment to the post of L.D.C in terms of B.P.Ms.No. 36 dated 18.5.997 and there is no counter affidavit filed by the respondents contradicting the averments of the petitioner. The impugned order gives an impression that the qualifications possessed by the petitioner were not taken into consideration at the time of rejection of his claim and a stereo type order was passed. Hence, the matter requires reconsideration.

In the circumstances the impugned order dated 21.8.1998 is set aside and the Chief Engineer/ first respondent is directed to reconsider the case of the petitioner taking into consideration the educational qualifications and number of mandays put

in by the petitioner and pass appropriate speaking orders in accordance with law expeditiously, preferably within a period of six weeks from the date of receipt of copy of this order.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

DATE: 24.1.2007

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THE HON'BLE MR JUSTICE N.V. RAMANA

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